

08-25-2003 17:24

From-MARTIN&FERRAROLLP

7036799303

T-401

P.005/032

F-50

BOX AF  
RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3731

PATENT  
Attorney Docket No. 101.0050-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson )  
Serial No.: 08/484,928 )  
Filed: June 7, 1995 )  
For: FRUSTO-CONICAL INTERBODY )  
SPINAL FUSION IMPLANT )

Confirmation No.: 5055

Group Art Unit: 3731  
Examiner: D. Relp

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT AFTER FINAL

In reply to the Final Office Action of February 24, 2003, the period for reply having been extended by a request for a three-month extension of time and fee filed herewith, and pursuant to 37 C.F.R. § 1.116, Applicant proposes that this application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 26 of this paper.

Amendment 8-25-03

Received from <7036799303> at 8/25/03 6:19:31 PM [Eastern Daylight Time]

FORM PTO-1083

Attorney Docket No.: 101.0050-00000  
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Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated February 24, 2003 in the above-identified application.

- ☐ No additional fee is required.  
☒ Applicant hereby requests a three-month extension of time to respond to the above office action.  
☒ Request for Examination After Final Under 37 C.F.R. § 1.129(a) is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	171	183	12	LG=\$18 SM=\$0	\$ 218.00
INDEPENDENT CLAIMS FEE	10	10	0	LG=\$84 SM=\$42	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS				LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140	\$ 0
				TOTAL	\$ 218.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
... If the "Highest Number Previously Paid For" in THIS SPACE is less than 20, write "20" in this space.  
... If the "Highest Number Previously Paid For" in THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- 09/23/2003 DBROOKS 00000002 501 amount of \$1,896.00 (representing \$930 three-month extension fee, \$750 Request for Examination After Final fee, and \$216 additional claims fee) is to be charged to Deposit Account No. 50-1066.  
☒ A fee in the amount of \$1,896.00 (representing \$930 three-month extension fee, \$750 Request for Examination After Final fee, and \$216 additional claims fee) is to be charged to Deposit Account No. 50-1066.  
☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.  
☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims  
☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: August 25, 2003

By:

Thomas H. Martin  
Registration No. 34,383

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